

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**WEIHARIK GARCIA**, individually and on  
behalf of all others similarly situated,

*Plaintiff,*

v.

**STAR POWER MARKETING  
GROUP, LLC,**

*Defendant.*

Case No.  
24-4823

**CLASS ACTION**

**JURY TRIAL DEMANDED**

**REQUEST FOR CLERK’S ENTRY OF DEFAULT AGAINST DEFENDANT  
STAR POWER MARKETING GROUP, LLC**

COMES NOW Plaintiff Weiharik Garcia, by and through the undersigned counsel, pursuant to FED. R. CIV. P. 55(a), and hereby files this Request for Clerk’s Entry of Default against Defendant Star Power Marketing Group, LLC in the above-styled action. Plaintiff respectfully requests that the Clerk of Court enter default as the Defendants has failed to serve or file an answer to Plaintiff’s claims in this action within the time permitted by law or otherwise.

Federal Rule of Civil Procedure 12(a), entitled “Time to Serve a Responsive Pleading,” provides in pertinent part that “[a] defendant must serve an answer within 21 days after being served with the summons and complaint.” FED. R. CIV. P. 1(a)(1)(A)(i). Federal Rule of Civil Procedure 55(a), entitled “Entering a Default,” provides that “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk *must* enter the party’s default.” FED. R. CIV. P. 55(a) (emphasis added).

Here, the Plaintiff filed their Complaint on September 12, 2024. (See ECF No. 1.) Defendant Star Power Marketing Group, LLC was served with the Summons and Complaint on September 13, 2024. (See ECF No. 3.) Accordingly, Defendant's responsive pleading was due on September October 4, 2024. Defendant did not file a response as of October 9, 2024. Accordingly, the Plaintiff requests that the Clerk enter the Defendant's default pursuant to FED. R. CIV. P. 55(a).

**CONCLUSION**

WHEREFORE, for the reasons set forth herein, the Plaintiff respectfully requests that the Clerk of Court enter default against the Defendant pursuant to FED. R. CIV. P. 55(a).

RESPECTFULLY SUBMITTED AND DATED this October 9, 2024.

/s/ Andrew Roman Perrong  
Andrew Roman Perrong, Esq.  
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Glenside, Pennsylvania 19038  
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a@perronglaw.com

**CERTIFICATE OF SERVICE**

I certify that I filed the foregoing via ECF on the below date.

I further certify that I mailed a copy of the foregoing to:

Star Power Marketing Group, LLC  
8417 Widener Rd.  
Glenside, PA 19038

Tracking Number: 0031090333148000278219038752817

Dated: October 9, 2024

/s/ Andrew Roman Perrong  
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